

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is respectfully requested. Claims 1-4, 6, 7 and 13-16 are now pending. Claims 5 and 8-12 have been cancelled. Claims 2 and 15 have been amended to correct typographical errors. No new matter has been added by way of the foregoing amendments.

***Rejection Under 35 U.S.C. §112, Second Paragraph***

Claims 8-10 and 12 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth in the Office Action at pages 2-3. As noted above, claims 8-12 have been canceled. Cancellation of these claims is not, nor should it be construed as, acquiescence to this ground of rejection. Rather, Applicants merely wish to expedite consideration and allowance of the pending claims in the present application.

Accordingly, Applicants submit that this ground of rejection is no longer applicable to the pending claims, and request that it be withdrawn.

***Rejection Under 35 U.S.C. §101***

Claim 10 was rejected under 35 U.S.C. §101, as allegedly directed towards nonpatentable subject matter (*see* Office Action mailed October 5, 2005, p. 3). As noted above, claim 10 has been canceled. Cancellation of this claim is not, nor should it be construed as, acquiescence to this ground of rejection. Rather, Applicants merely wish to expedite consideration and allowance of the pending claims in the present application.

Accordingly, Applicants submit that this ground of rejection is no longer applicable to the pending claims, and request that it be withdrawn.

***Rejection Under 35 U.S.C. §101 – Statutory Double Patenting***

Claims 5 and 8 were rejected under 35 U.S.C. §101, as allegedly directed towards the same subject matter of claims 5 and 9 of U.S. Patent No. 6,482,836 (*see* Office Action mailed October 5, 2005, p. 4). As noted above, claims 5 and 8 have been canceled.

Accordingly, Applicants submit that this ground of rejection is no longer applicable to the pending claims, and request that it be withdrawn.

***Rejection Under Judicially Created Doctrine of Obviousness-Type Double Patenting***

Claims 1-4, 6, 7, 11, and 13-16 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-4, 6, 7 and 10-14 of U.S. Patent No. 6,482,836. Claims 1-4, 6, 7, 11, and 13-16 also were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-5, 7, 8 and 10-13 of U.S. Patent No. 6,610,678.

Applicants submit herewith a Terminal Disclaimer with regard to U.S. Patent Nos. 6,482,836 and 6,610,678. Accordingly, Applicants submit that this ground of rejection is no longer applicable to the pending claims, and request that it be withdrawn.

***Rejection Under 35 U.S.C. §102***

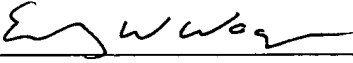
Claim 1 was rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,110,347 (the '347 patent). The Examiner argued that the third and fourth compounds from the bottom of the list in Table 1 at column 21 of the '347 patent anticipate claim 1 of the present application where R<sup>2</sup> of claim is "alkyl substituted with fluoride" (*see* Office Action mailed October 5, 2005, p.7). In particular, the Examiner asserted that "the alkyl group represented by R<sup>2</sup> is opened for substitution since no indication of only unsubstituted alkyl is intended." *Id.* Applicants respectfully disagree. As used in the present application, the term C<sub>1-6</sub>alkyl is not intended to encompass substituted alkyl.

According, Applicants respectfully request that the this ground of rejection be withdrawn.

**Conclusion**

In view of the above amendments and remarks, allowance of claims 1-4, 6, 7 and 13-16 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same.

Respectfully submitted,  
SEED Intellectual Property Law Group PLLC

  
\_\_\_\_\_  
Emily W. Wagner  
Registration No. 50,922

KRH:lhk

Enclosure:

Terminal Disclaimer over U.S. Patent Nos. 6,482,836 and 6,610,678

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

744218\_1.DOC